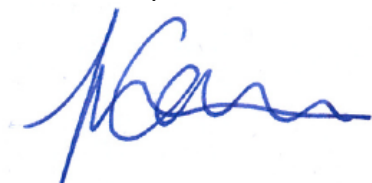


MAY IT PLEASE THE COMMISSIONERS:

1. This memorandum is filed by counsel for Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) seeking leave to cross-examine two of the Council’s witnesses at the upcoming hearings on City-wide Qualifying Matters (“**QMs**”).
2. The two witnesses that Kāinga Ora wishes to cross-examine are:
 - (a) Sarah Oliver, in relation to her analysis of the Tsunami Risk Management QM under s 32 of the RMA; and
 - (b) Anita Hansbury, in relation to the proposed financial contributions rules for the Tree Canopy QM.
3. It is submitted that cross-examination of those two witnesses will assist the Hearings Panel to better understand the differences between the respective positions for the Council and Kāinga Ora in relation to the above matters. Allowing limited cross-examination on the above two topics will also assist the Panel to better understand the basis for the objections held by Kāinga Ora in relation to the key tests for QMs under ss 77I-77L.
4. In our submission, it is in the interests of justice to allow limited cross-examination of Ms Oliver and Ms Hansbury, given:
 - (a) in relation to the proposed Tsunami Risk Management QM, the significant extent of land that is affected by the proposal and the implications that imposition of the QM as notified would have on:
 - (i) the Council’s ability to give effect to its obligations under the NPS-UD; and
 - (ii) the ability of Kāinga Ora to deliver on its statutory functions to (amongst other things) provide people with good quality, affordable housing choices that meet diverse needs; and

- (b) in relation to the proposed financial contributions rules for the Tree Canopy QM, the potential for the proposed rules to:
- (i) reduce the amount of building coverage enabled within relevant residential zones, with a corresponding impact on the number of homes that can be provided within those zones; and / or
 - (ii) increase the cost of residential development within relevant residential zones, with limited (if any) additional benefit in terms of s 32 of the RMA.

Dated 2 April 2024



Bal Matheson | Aidan Cameron
Counsel for Kāinga Ora